

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRENDA HURSTON,

Case No. 01-cv-313

Plaintiff,

Black, M.J.

vs.

BUTLER COUNTY DEPARTMENT
OF JOB AND FAMILY SERVICES,

Defendant.

ORDER

This matter is before the Court on a request by Peter A. Ramirez, M.D., a non-party, to quash a subpoena served by plaintiff Brenda A. Hurston. (Doc. 132). The subpoena commands Dr. Ramirez to appear before the Court “on or after January 17, 2005.” (*Id.*)

A review of the record shows that, on October 6, 2004, the Court entered an order vacating the trial date previously set for January 17, 2005. (*See* doc. 120). In light of the order vacating the trial date, the Court finds that the subpoena served on Dr. Ramirez must be quashed to avoid imposing undue burden or expense on him.¹

¹ The Court has a duty to ensure that a party or an attorney responsible for the issuance and service of a subpoena takes reasonable steps to avoid imposing undue burden or expense on one who is subject to the subpoena. Fed. R. Civ. P. 45(c).

IT IS THEREFORE ORDERED THAT Dr. Ramirez' request that subpoena be quashed (doc. 132) is **GRANTED**, and that the subpoena served on him by plaintiff is **QUASHED**.

IT IS SO ORDERED.

Date: 12/3/04

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge